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Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION**

SIDNEY SCHOLL and FELTON A.
 SPEARS, JR., on behalf of themselves and
 all others similarly situated,

Plaintiffs,

v.

WASHINGTON MUTUAL BANK, FA (aka)
 WASHINGTON MUTUAL BANK); FIRST
 AMERICAN EAPPRAISEIT, a Delaware
 corporation; and LENDER'S SERVICE,
 INC.,

Defendants.

CASE NO.: 5:08-CV-00868 RMW

CLASS ACTION

**PLAINTIFFS' NOTICE OF MOTION TO
 STAY PROCEEDINGS**

**DATE: July 25, 2008
 TIME: 9:00 a.m.
 CTRM: 6, 4th Floor**

1 **TO: THE COURT, ALL PARTIES AND THEIR COUNSEL OF RECORD:**

2 **PLEASE TAKE NOTICE THAT:** On July 25, 2008 at 9:00 a.m., or as soon thereafter as
3 the matter may be heard by the Court in the Courtroom of the Honorable Ronald M. Whyte,
4 Courtroom 6, Fourth Floor, United States District Court, 280 South First Street, San Jose, California
5 95113, Plaintiffs Sidney Scholl and Felton A. Spears, Jr. ("Plaintiffs"), will, and hereby do, move
6 the Court for an Order to stay the proceedings. This Motion is made pursuant to Plaintiffs'
7 separately filed motion to transfer this matter to MDL No. 1919 and upon the grounds that, granting
8 a stay, will serve the interests of judicial economy and prevent hardship to the parties.

9 This Motion is based on this Notice of Motion; the attached Memorandum of Points and
10 Authorities in Support of the Motion; the allegations in the Complaint; and such matters and
11 arguments as may come before the Court.

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13 Dated: June 20, 2008

Michael D. Braun
BRAUN LAW GROUP, P.C.

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15 By: /s/ Michael D. Braun
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Attorneys for Plaintiffs

PROOF OF SERVICE

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss.:

I am employed in the county of Los Angeles, State of California, I am over the age of 18 and not a party to the within action; my business address is 12304 Santa Monica Boulevard, Suite 109, Los Angeles, CA 90025.

On June 20, 2008, using the Northern District of California's Electronic Case Filing System, with the ECF ID registered to Michael D. Braun, I filed and served the document(s) described as:

PLAINTIFFS' NOTICE OF MOTION TO STAY PROCEEDINGS

The ECF System is designed to automatically generate an e-mail message to all parties in the case, which constitutes service. According to the ECF/PACER system, for this case, the parties served are as follows:

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1 On June 20, 2008, I served the document(s) described as:

2 **PLAINTIFFS' NOTICE OF MOTION TO STAY PROCEEDINGS**

3 by placing a true copy(ies) thereof enclosed in a sealed envelope(s) addressed as follows:

4 Kerry Ford Cunningham, Esq.
Patrick J. Smith, Esq.
5 THACHER PROFFITT & WOOD LLP
Two World Financial Center
6 New York, NY 10281

7 I served the above document(s) as follows:

8 BY MAIL. I am familiar with the firm's practice of collection and processing
9 correspondence for mailing. Under that practice it would be deposited with U.S. postal service on
10 that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of
11 business. I am aware that on motion of the party served, service is presumed invalid if postal
cancellation date or postage meter date is more than one day after date of deposit for mailing in an
affidavit.

12 I am employed in the office of a member of the bar of this Court at whose direction the
service was made.

13 I declare under penalty of perjury under the laws of the United States that the above is true
14 and correct.

15 Executed on June 20, 2008, at Los Angeles, California 90025.

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17 /S/ LEITZA MOLINAR
18 Leitza Molinar
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